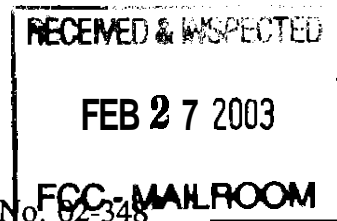


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of

Amendment of Section 73.606(b),
Table of Allotments,
Television Broadcast Stations
(Presque Isle, Maine)

MB Docket No. 02-348
RM-10455

REPORT AND ORDER

(Proceeding Terminated)

Adopted: February 21, 2003

Released: February 27, 2003

By the Chief, Video Division:

1. At the request of Western Broadcasting Company, LLC ("Western"), the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 22654 (2002), proposing the substitution of channel 47 for channel 62+ at Presque Isle, Maine. Western filed comments restating its continuing interest in applying for channel 47, if allotted. No other comments were received.

2. Western filed its petition for rulemaking pursuant to the provisions outlined in the Commission's Public Notice (*Public Notice*) released on March 9, 2000, DA 00-536. In that *Public Notice*, the Commission extended the window for pending applications and allotment petitions for new analog TV stations to modify their requests to eliminate technical conflicts with digital television (DTV) stations and to move from channels 60 through 69. Western filed its petition seeking a new channel below channel 60.

3. We believe the public interest would be served by substituting channel 47 for channel 62+ since it will permit Western to provide an additional television service to the community of Presque Isle. Channel 47 can be allotted to Presque Isle with a zero offset in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission Rules. The coordinates for channel 47 at Presque Isle are 46-45-12 N. and 68-10-28 W. Since the community of Presque Isle is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and

¹ Western claims "white knight" status pursuant to the Commission's procedures, citing *Proposals to Reform the Commission's Competitive Hearing Process to Expedite the Resolution of Cases*, FCC 97-391, released November 26, 1997. Western states that Prime Broadcasting Company and NYN, LLC, were competing applicants for channel 62 at Presque Isle. Western submits that Western and the two applicants filed a Joint Request for Approval of Settlement Agreement in order to resolve the mutually exclusivity. Western states that the settlement agreement provides that NYN would dismiss its application and Prime's application would be amended to transfer ownership to Western.

(r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective April 14, 2003, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, **IS** AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Presque Isle, Maine	8, *10+, 47

5. IT IS FURTHER ORDERED, That within **45** days of the effective date of this Order, Western Broadcasting Company, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying TV Channel 47 in lieu of TV Channel 62⁺.

6. IT IS FURTHER ORDERED, That this proceeding **IS** TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau